

UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

In Re Applications of:)
)
RONALD BRASHER,)
LICENSEE OF PRIVATE LAND)
MOBIL STATIONS WPLQ202,)
KCG967, WPLD495, WPKH771,)
WPK1739, WPK1733, WPK1707,)
WIL990, WPLQ475, WPLY658,)
WPKY903, WPKY901, WPLZ533,)
WPK1762 AND WPDU262,)
DALLAS/FORTH WORTH, TEXAS,)
et al.)

MM Docket No.: 00-156

WITNESS: NORMA LEWIS SUMPTER

APR 2 3 13 PM '00
FCC-0ALJ RCD

Volume: 10
Pages: 1980 through 2248
Place: Washington, D.C.
Date: March 8, 2001

HERITAGE REPORTING CORPORATION

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Before the
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Washington, D.C. 20554

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et al.)

Room TW-A-363
Federal Communications
Commission
445 Twelfth Street, Southwest
Washington, D.C. 20554

Thursday,
March 8, 2001

The parties met, pursuant to the notice of the
Judge or Commission, at 9:05 a.m.

BEFORE: HONORABLE ARTHUR I. STEINBERG
Administrative Law Judge

APPEARANCES:

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Estate of O. C. Brasher, Microplex Two-Way Radio:

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1982

I N D E X

<u>WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Norma Lewis Sumpter	1985	2117 2207	2231	2239 2243

1983

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>
EB-70	Prev.	2047
RB/PB-9	2135	2136
RB/PB-10	2145	2147
RB/PB-11	2146	2147

(9:05 a.m.)

JUDGE STEINBERG: We are on the record. Mrs.
If you would stand and raise your right hand,

Whereupon,

NORMA LEWIS SUMPTER

having been first duly sworn, was called as a witness herein
and was examined and testified as follows:

JUDGE STEINBERG: Please be seated. Thank you.

Before we start the questioning, let me advise Mrs. Sumpter that please listen to the questions, and only answer what is asked of you. If you need to explain something, you might want to say, "May I explain?" And then the questioner will either say explain or will say do not explain. So if you limit your answers to the specific question asked, you will get out of here a lot sooner.

THE WITNESS: Okay.

JUDGE STEINBERG: I assume that you have had your fill of Washington.

THE WITNESS: Yes, I have. For a while.

(Laughter.)

JUDGE STEINBERG: For a while. Too bad the cherry blossoms were not in bloom while you were here.

MS. LANCASTER: You could have timed this trial a

1 little bit nicer. Are you ready?

2 JUDGE STEINBERG: Yes, ma'am.

3 MS. LANCASTER: Good morning, Mrs. Sumpter.

4 THE WITNESS: Good morning.

5 DIRECT EXAMINATION

6 BY MS. LANCASTER:

7 Q Would you state your full name for the record,
8 please?

9 A Norma Lewis Sumpter.

10 THE REPORTER: Ma'am, could you turn the mike
11 towards you? Thank you.

12 THE WITNESS: Okay.

13 MS. LANCASTER: I want to briefly explain, the
14 mike does not amplify your voice at all. All it does is
15 help the court reporter record what you say.

16 THE WITNESS: Okay.

17 MS. LANCASTER: So I am going to ask you to speak
18 loudly, so Mr. Romney, who is that guy right back there, can
19 hear you. Okay?

20 THE WITNESS: Okay.

21 BY MS. LANCASTER:

22 Q What is your home address, please?

23 A Forty-four-oh-six Harbinger Drive, Mesquite,
24 Texas.

25 Q How long have you lived there?

1 A Twelve years.

2 Q Currently who resides at that address?

3 A My husband.

4 JUDGE STEINBERG: I am sorry, Mr. McVeigh, I want
5 you to give your appearance. I forgot that. For Mrs.
6 Sumpter.

7 MR. McVEIGH: John McVeigh on behalf of Norma
8 Sumpter.

9 JUDGE STEINBERG: Thank you. Sorry.

10 BY MS. LANCASTER:

11 Q I am sorry, please give that again, please. Who
12 resides there at this time?

13 A My husband, I do, and his elderly aunt, who is 90
14 years old.

15 Q And you are Jim Sumpter's wife, is that correct?

16 A Yes, ma'am.

17 Q And you are Norma -- you are Norma Sumpter --
18 Melissa Sumpter and Jennifer Sumpter's mother?

19 A Yes.

20 Q And you are Patricia Brasher's sister?

21 A Yes.

22 Q Carolyn Lutz' sister?

23 A Yes.

24 Q And Thomas Lewis's sister?

25 A Yes.

- 1 Q Are you currently employed, Mrs. Sumpter?
- 2 A Yes.
- 3 Q Where do you work?
- 4 A Sumpter and Dirden.
- 5 Q And what do you do at Sumpter and Dirden?
- 6 A Secretary.
- 7 Q Have you worked -- Sumpter and Dirden is your
8 husband's CPA firm, is that correct?
- 9 A That's correct.
- 10 Q Have you worked for your husband for very long?
- 11 A Yes, quite a few years.
- 12 Q How long? Do you know?
- 13 A About 15, 20 years. How much longer than that I
14 don't really know.
- 15 Q Okay. Have you done secretarial work primarily
16 for him?
- 17 A Yes. And bookkeeping, what has to do with the
18 bookkeeping service.
- 19 Q How long have you been married to Mr. Sumpter?
- 20 A Thirty-three years.
- 21 Q And how old are you, Mrs. Sumpter?
- 22 A Fifty-six.
- 23 Q What I would like to do in the very beginning is
24 to have you identify some of the exhibits, so that when we
25 talk about them later everyone will be clear as to what we

1 are talking about.

2 So I would first like to have you do is turn to
3 Exhibit 42, which is the 42 on the tab in the big notebook
4 in front of you.

5 Have you found it?

6 A Yes.

7 Q Do you recognize that document, Mrs. Sumpter?

8 A I have seen it before.

9 Q Do you know what it is?

10 A It's an application.

11 Q For a radio license?

12 A Yes, ma'am.

13 Q And if you look at the bottom of Exhibit 42,
14 there appears a signature. It appears to be your name?

15 A That's correct.

16 Q Did you sign that?

17 A Yes, ma'am.

18 Q Okay. And did you sign it on or about the date
19 that it is dated, which was 8/7/90, 1990?

20 A I assume I did, I don't know.

21 Q Okay. Did you fill out the information that is
22 on this form?

23 A No, ma'am.

24 Q Who filled it out?

25 A I don't know.

1 Q How did you get it? How did you get the form?

2 A I assume my sister brought it to me.

3 Q You assume? Do you have any memory of that?

4 A No.

5 Q And by your sister, do you mean Patricia Brasher?

6 A Patricia Brasher.

7 Q Okay. I would like to direct your attention to
8 box 31 on the form. Do you see it?

9 JUDGE STEINBERG: It is a little hard to see.

10 THE WITNESS: Yes.

11 BY MS. LANCASTER:

12 Q Do you see that it states, "Applicant is engaged
13 in the sales and service of communications equipment.
14 Radios will be used to coordinate these activities."

15 A I see that.

16 Q Have you ever been engaged in the sales and
17 service of communications equipment?

18 A No, ma'am.

19 Q Have you ever used a radio to coordinate sales
20 and service activities?

21 A No, ma'am.

22 Q Do you know how many mobile units are authorized
23 by this application, Mrs. Sumpter?

24 A No, ma'am.

25 Q Do you have any knowledge as to what kind of

1 application this is?

2 A No. It's a license, that's all I know, an
3 application, that's all I know.

4 MR. ROMNEY: I'm sorry?

5 JUDGE STEINBERG: Okay, you have to please keep
6 your voice up.

7 THE WITNESS: I'm sorry.

8 MS. LANCASTER: Speak a little louder, please.

9 BY MS. LANCASTER:

10 Q Do you have any idea what kind of application
11 this is?

12 A No, ma'am.

13 JUDGE STEINBERG: Mr. Romney, I believe the
14 answer to your question, to the question was that it is an
15 application.

16 MR. ROMNEY: Okay.

17 BY MS. LANCASTER:

18 Q Look on page two of Exhibit 42, Mrs. Sumpter. Do
19 you see two checks on the account? It says "Jim Sumpter" at
20 the top of the, at the top of the account, the name of the
21 account?

22 A Yes, ma'am.

23 Q One for \$35, which is check number 3731, and one
24 for \$160, which is check number 3732?

25 A Yes, ma'am.

1 Q Did you sign those checks?

2 A Yes, ma'am.

3 Q Were you reimbursed those amount of monies?

4 MR. ROMNEY: Objection. Leading.

5 THE WITNESS: Yes, ma'am, I was.

6 JUDGE STEINBERG: I do not think it is leading.

7 Overruled. And we have the answer anyway.

8 BY MS. LANCASTER:

9 Q Who reimbursed you for the monies that were paid

10 out with these checks?

11 A DLB.

12 JUDGE STEINBERG: When you say DLB, what or who

13 do you mean?

14 THE WITNESS: Ron's company, DLB Enterprises.

15 JUDGE STEINBERG: I could not tell, whose

16 company?

17 THE WITNESS: Ronald Brasher's company.

18 BY MS. LANCASTER:

19 Q Who gave you -- did they pay you by check? Did

20 they reimburse you by check?

21 A Yes, ma'am.

22 Q And who gave you the check?

23 A I assume my sister did.

24 Q Do you recall specifically who gave it to you?

25 A I'm sure she did.

1 Q Okay. Let's look at Exhibit 43.

2 JUDGE STEINBERG: And your sister, Pat.

3 THE WITNESS: My sister, Patricia.

4 MS. LANCASTER: I am sorry, Your Honor, I should

5 have clarified that.

6 THE WITNESS: Forty-three?

7 MS. LANCASTER: Yes, sir. Yes, ma'am.

8 BY MS. LANCASTER:

9 Q Do you recognize Exhibit 43 as also being a radio

10 application?

11 A Yes, ma'am.

12 Q At the bottom of Exhibit 43 there appears a

13 signature that appears to be your signature, with a date of

14 4/8/92 next to it. Do you see that?

15 A Yes, ma'am.

16 Q Is that your signature?

17 A Yes, ma'am.

18 Q Did you handwrite that date next to your name?

19 A I don't believe I did.

20 Q Do you know who did?

21 A No.

22 Q Look again at box 31.

23 A Yes, ma'am.

24 Q Do you see that it reads, "Applicant is engaged

25 in the sales and service of communications equipment.

1 Radios will be used to coordinate these activities,
2 interconnect," I cannot read that very well, "REQ 90.477 and
3 483," or 493. I cannot read it too well.

4 Can you read it any better than I can?

5 A Looks like 483 to me.

6 Q Okay. Do you see what I am talking about?

7 A Yes, ma'am.

8 Q Were you ever engaged in the sales and service of
9 communications equipment?

10 A No, ma'am.

11 Q And were radios that were licensed by a license
12 issued as a result of this application used to coordinate
13 sales and service activities? Do you understand my
14 question?

15 A No.

16 Q Okay. You stated that you have never been
17 engaged in the sales and service of communications
18 equipment, is that correct?

19 A That's correct.

20 Q You did not use any radios to facilitate --

21 A No.

22 Q -- the sales and service --

23 A No.

24 Q -- of communications equipment.

25 A No, ma'am.

1 Q Okay. Do you know how many mobiles are requested
2 in this application?

3 A No, ma'am.

4 Q Do you know what kind of license this is?

5 A No, ma'am.

6 Q Do you have any knowledge of the license that may
7 have been issued as a result of this application?

8 A No, ma'am.

9 Q Look on page --

10 JUDGE STEINBERG: Do you know of any facility or
11 anything located at the place called the Renaissance Tower,
12 1201 Elm Street in Dallas?

13 THE WITNESS: No, I don't.

14 MS. LANCASTER: Did you hear that, Mr. Romney?

15 MR. ROMNEY: Yes.

16 JUDGE STEINBERG: How about this something, I do
17 not know what box it is because I cannot see the numbers,
18 location of primary control point? Do you know of anything
19 located at 2244 Larson, Suite Four, Dallas, Texas?

20 THE WITNESS: That's their office.

21 JUDGE STEINBERG: Who is that?

22 THE WITNESS: DLB's office.

23 JUDGE STEINBERG: Thank you.

24 BY MS. LANCASTER:

25 Q Look on page three of Exhibit 53, Mrs. Sumpter.

1 Do you see the numbers in the little circle at the bottom?

2 When I refer to a page number, that is what I am referring
3 to.

4 A Yes, ma'am, I see that.

5 Q There appears to be two checks. The first one on
6 the Jim Sumpter account is check number 5358 in the amount
7 of \$140. It appears to have your signature on it.

8 A Yes, ma'am.

9 Q Did you sign that check?

10 A Yes, ma'am.

11 Q The second check is on the Jim Sumpter account.
12 It is number 5359 for \$35, and payable to the FCC, and
13 appears to have your signature on it. Did you sign that
14 check, also?

15 A Yes, ma'am.

16 Q Were you reimbursed for the amounts of these
17 checks?

18 A Yes, ma'am.

19 Q Who reimbursed you?

20 A DLB Enterprises did.

21 Q Specifically, do you remember who gave you the
22 reimbursement money?

23 A My sister, Patricia.

24 Q Next I would like for you to look at Exhibit 44,
25 page five, which is the last page of that exhibit. Do you

1 recognize this document, Mrs. Sumpter?

2 A I've seen it before.

3 Q When is the first time you saw it?

4 A At the deposition.

5 Q Okay. Do you recall -- what is it? Can you
6 identify it?

7 A It's a license.

8 Q The application, similar?

9 A Yes, the application.

10 Q Okay. Look at the bottom of it. There appears
11 to be a signature for Norma L. Sumpter, next to a date of
12 6/29/94. Do you see that?

13 A Yes.

14 Q Is that your signature?

15 A No, ma'am, I don't believe it is.

16 MR. ROMNEY: I am sorry, I did not hear that.

17 THE WITNESS: No.

18 MR. ROMNEY: There was something else that she
19 said.

20 THE WITNESS: I said --

21 JUDGE STEINBERG: No, ma'am, I don't believe it
22 is.

23 MR. ROMNEY: I don't believe it is?

24 JUDGE STEINBERG: Is that what you said?

25 THE WITNESS: That's what I said.

1 BY MS. LANCASTER:

2 Q Do you know if that is your signature,
3 Mrs. Sumpter?

4 A It's not my signature.

5 Q Thank you. If you know an answer, try to answer
6 it yes or no.

7 A Okay.

8 Q If you do not know, just simply state that you do
9 not know.

10 A Okay.

11 Q But when you say things like, "I believe it is,"
12 we are not sure if that is a yes or a no, okay? So that if
13 you know an answer to a question, please answer it in the
14 positive or the negative. Okay?

15 A Okay.

16 JUDGE STEINBERG: Do you know of anything that
17 was located at 2035 Royal Lane in Dallas?

18 THE WITNESS: No.

19 BY MS. LANCASTER:

20 Q Look at box 31 on this application, please.

21 A On the same page?

22 Q Yes, ma'am. Kind of the same location as the
23 other application.

24 A Okay.

25 Q Do you see that it says, "Applicant operates

1 accounting/auditing service and will use radios for
2 business-related activities?" Do you see that?

3 A I see that.

4 Q Did you ever use a radio for accounting/auditing
5 service?

6 A No.

7 Q Mrs. Sumpter, go back to page two of this
8 exhibit. Do you see a form that we have been calling the
9 800A because it has an 800A FCC form number on the bottom
10 right-hand corner?

11 A Yes.

12 Q Do you see a signature for Norma L. Sumpter?

13 A Yes.

14 Q Is that your signature?

15 A No.

16 Q Do you see the date, 2/7/94, next to the
17 signature?

18 A Yes, ma'am.

19 Q Did you write that date there?

20 A No.

21 Q Okay. Look on page four of this exhibit. Do you
22 see what is called at the top "application for renewal of
23 private radio station license?"

24 A Yes.

25 Q In the middle of the page there appears a

1 handwritten statement that says, "I no longer hold this
2 license. It was transferred to R. D. Brasher." And there
3 is a signature for Norma L. Sumpter.

4 A Yes.

5 Q Is that your signature?

6 A Yes.

7 Q You wrote it?

8 A Jim wrote it, and I signed it.

9 Q Jim wrote the statement, "I no longer hold this
10 license. It was transferred to R. D. Brasher?"

11 A Yes.

12 Q At the time that that was written and that you
13 signed it, did you have any knowledge of this particular
14 license?

15 A No.

16 Q Next I would like for you to look at Exhibit 41.

17 JUDGE STEINBERG: May I ask a question back on
18 44, page four?

19 MS. LANCASTER: Certainly.

20 JUDGE STEINBERG: It is a little role reversal
21 there, right? How did this piece of paper get in your
22 possession, without the writing on it?

23 THE WITNESS: I assume it came in the mail.

24 JUDGE STEINBERG: Okay, do you know whether it
25 came in the mail?

1 THE WITNESS: It had to have come in the mail.

2 JUDGE STEINBERG: Did somebody from DLB bring it
3 to you?

4 THE WITNESS: No.

5 JUDGE STEINBERG: Are you positive about that?

6 THE WITNESS: Yes.

7 JUDGE STEINBERG: You said "I no longer hold this
8 license." And in answer to Ms. Lancaster's, one of her
9 questions, you said that you, at the time that this writing
10 was put on this document, you did not know that you had a
11 license.

12 THE WITNESS: We thought this was the license
13 that was in dispute in '96. We did not even, we didn't, the
14 call letters didn't mean anything to us. We hadn't even
15 looked at that.

16 JUDGE STEINBERG: Okay. So what --

17 THE WITNESS: See what I'm saying?

18 JUDGE STEINBERG: Yes, I think I see what you are
19 saying. But I do not see any kind of -- am I missing, or am
20 I just overlooking -- I do not see any date on the document.

21 THE WITNESS: There's not one --

22 JUDGE STEINBERG: Okay, let me just say Mrs.
23 Sumpter said there is not on it that she knows of. Is that
24 what you said?

25 THE WITNESS: That's right.

1 MS. LANCASTER: Excuse me, Your Honor. The only
2 date that I see is at the bottom right-hand corner. It is
3 the June, 1996 date, which is under the FCC form number.

4 JUDGE STEINBERG: That is a version of the form.

5 MS. LANCASTER: Yes, sir.

6 JUDGE STEINBERG: Could Ms. Lancaster ask some
7 questions pinpointing the date of this document, please?
8 Because I am a bit confused. Because there were, we just
9 went over in Exhibit 44 -- excuse me, Exhibit 42 and
10 Exhibit 43 -- that there were previous applications.

11 Now, there had not been evidence that there were
12 previous licenses, but I thought that this form, this page
13 four, Exhibit 44, page four related to one of those. And if
14 I am confused, then I think that the record might be
15 confused.

16 MS. LANCASTER: Yes, sir, I will be happy to try
17 to clarify that.

18 JUDGE STEINBERG: It might help to take a look at
19 -- I just realized. It might help to take a look at EB
20 Exhibit 45, page two, fourth full paragraph.

21 MS. LANCASTER: Yes, sir. I actually was going
22 to go back through all this. I just wanted to get
23 everything --

24 JUDGE STEINBERG: Oh, okay.

25 MS. LANCASTER: -- identified. But we can go

1 ahead and cover it now. That is not a problem, Your Honor.

2 BY MS. LANCASTER:

3 Q First of all, Mrs. Sumpter, would you look at
4 Exhibit 44, the first page of that exhibit? Do you
5 recognize that document?

6 A Yes.

7 Q What is it?

8 A It's a radio license.

9 Q Okay. Look at the top right-hand side of the
10 document. Do you see where it says "license issue date,
11 93/05/27?"

12 A Yes.

13 Q Does that indicate to you that this license was
14 issued?

15 A I assume it is. I don't know.

16 Q Okay. Look at license expiration date. Do you
17 see the 98/05/27 there?

18 A Yes, ma'am.

19 Q As far as you know, was this license issued?

20 A I don't know.

21 Q Okay. How about on page, on Exhibit -- let's
22 just go backwards for a moment -- on Exhibit 43. Page five
23 of Exhibit 43.

24 JUDGE STEINBERG: Off the record for a second.

25 (Whereupon, a discussion was held off the

1 record.)

2 BY MS. LANCASTER:

3 Q Have you found page five of Exhibit 43,
4 Mrs. Sumpster?

5 A Yes.

6 Q Do you recognize that document?

7 A Yes.

8 Q And what is it?

9 A It's a license.

10 Q Okay. The call sign for that license is WNZU648?
11 Do you see that, on the left-hand, top left, near the top
12 left-hand side of the page?

13 A Yes.

14 Q Do you see that the license was issued on
15 June 23, 1992?

16 A Yes.

17 Q And do you see that it expired on June 23, 1997?

18 A Yes.

19 Q Do you have any personal knowledge as to whether
20 or not this license was issued?

21 A No.

22 Q Had you seen this document, this radio license,
23 before?

24 A You mean before we saw it in the deposition?

25 Q Yes, ma'am.

1 A Not -- no.

2 Q You do not recall ever having seen the license.

3 A No.

4 Q So until the deposition, did you have any
5 knowledge as to whether or not this license had ever been
6 issued?

7 A No.

8 Q You just knew that you had signed an application.

9 A Yes. That's all I did.

10 Q Let's look at --

11 JUDGE STEINBERG: I did not hear that last part.

12 THE WITNESS: That's all I did was sign an
13 application.

14 JUDGE STEINBERG: Did you get that, Mr. Romney?

15 MR. ROMNEY: No, sir, I did not.

16 JUDGE STEINBERG: That's all I did was sign an
17 application.

18 And I would ask you just try to concentrate on
19 keeping your voice up. It is hard.

20 BY MS. LANCASTER:

21 Q Let's just go back again and look at 42, then,
22 Exhibit 42. Page four. My copy is really bad, and I assume
23 yours is, also. But at the top of page four it appears to
24 state that it is a radio station license. Can you make that
25 out?

1 A No, not really. Oh, okay, yes. I see that now.

2 Q Okay. And also at the top on the left-hand side,
3 it appears to state that the call signs for the station are
4 WNSK580. Can you make that out?

5 A Barely.

6 Q Okay. And on the right-hand side it shows the
7 license issue date as 9/28/90?

8 A Yes.

9 Q And it shows the license expiration date as
10 9/28/95, do you see that?

11 A Yes, ma'am.

12 Q Do you recall seeing this document prior to your
13 deposition in November of 2000?

14 A No.

15 Q You do not recall getting it in the mail?

16 A No.

17 Q So when you stated that you signed an application
18 for this license, all you recall is that you signed a piece
19 of paper?

20 A Yes.

21 Q Did you have anything whatsoever to do with the
22 station or the license after that?

23 A No.

24 JUDGE STEINBERG: Let the record reflect also
25 that when Ms. Lancaster was questioning the witness about